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In re Application of
BURBIDGE, Stephen Anthony, et al.
Application No.: 10/018,640
PCT No.: PCT/GB00/02516
Int. Filing Date: 30 June 2000
Priority Date: 01 July 1999
Attorney's Docket No.: PG3733USW
For: NEW USES FOR POTASSIUM
CHANNEL OPENERS

DECISION ON

PETITION

UNDER 37 CFR 1.182

This decision is in response to applicants' "Petition to Correct Inventorship in PCT Request and 35 U.S.C. 371 Application," filed with the United States Patent and Trademark Office on 26 June 2002. It has been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 30 June 2000, applicants filed international application PCT/GB00/02516, which claimed a priority date of 01 July 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 11 January 2001. On 12 December 2000, applicants filed a demand for international preliminary examination which elected the United States, prior to nineteen months from the priority date. The deadline for entry into the national stage in the United States was midnight 02 January 2002 (01 January 2002 was a holiday).

On 19 December 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 19 February 2002, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497 (a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 19 February 2002, applicants filed five declarations and the fee for late filing of the declaration.

On 06 March 2002, the Office mailed a Notification of Defective Response, indicating that the fourth inventor had not signed the declaration.

On 20 March 2002, applicants submitted a declaration executed by Jonathan Dupere, along with copies of the earlier filed declarations.

On 26 April 2002, the Office mailed Notification indicating that one of the inventors on the declaration did not match the inventor on the international application.

On 26 June 2002, applicants submitted "Petition to Correct Inventorship in PCT Request and 35 USC 371 Application".

DISCUSSION


Applicants indicate that the inventors listed on the international application included a typographical error. Specifically, the inventor listed as "Joseph Dupere" is named "Jonathan Dupere". Applicants have provided a statement from Mr. Dupere indicating that the error occurred without deceptive intent on his part. The petition fee will be charged to deposit account 07-1392, as authorized by the petition.


CONCLUSION

For the above reasons, the petition under 37 CFR 1.182 is GRANTED.

Applicant is advised that, effective May 1, 2003, the Office is changing its correspondence address. Any further correspondence deposited with the United States Postal Service on or after May 1, 2003 should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

The application has an international filing date of 30 June 2000 under 35 U.S.C. §363 and a date of 20 March 2002 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.


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